

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

CARHILL ENTERPRISES, INC., d/b/a )  
CONSUMER PROTECTION SERVICES, )  
vs. ) Case No. 4:08-CV-00302 RWS  
Plaintiff, )  
AMERICAN AUTO GUARDIAN, INC., )  
Defendant. )

**MOTION OF PLAINTIFF'S COUNSEL FOR LEAVE TO WITHDRAW**

Jay A. Summerville, Lisa M. Wood, and Jacqueline Ulin Levey, and the firm of Armstrong Teasdale LLP, move this Court to permit them to withdraw as counsel for Plaintiff Carhill Enterprises, Inc., d/b/a Consumer Protection Services ("Carhill"). In support of their motion, Movants respectfully state as follows:

1. Carhill is materially in default of its obligations to Movants.
2. Despite numerous requests that Carhill fulfill its obligations to Movants regarding Movants' services, Carhill has failed to do so. In addition to Carhill's failure in this regard, certain confidential information unrelated to this lawsuit imparted to Movants on or about August 11, 2009, made clear to Movants that they could no longer continue their representation of Carhill.
3. On August 13, 2009, Movants notified Carhill of their intention to withdraw as counsel, requested that it take immediate action to obtain successor counsel, and notified Carhill that if successor counsel was not obtained within fifteen (15) days, Movants would file a motion seeking leave to withdraw as counsel.

4. Movants understand that Carhill has undertaken to find successor counsel, but to date have not been notified that successor counsel has been retained.

5. Accordingly, because Carhill has undertaken action with which Movants have a fundamental disagreement, and because Carhill has failed to substantially fulfill its obligations to Movants regarding Movants' services and has been given reasonable warning that withdrawal would be requested, and because other good cause for withdrawal exists, Movants respectfully request that this Court allow their withdrawal as counsel for Carhill.

WHEREFORE, Jay A. Summerville, Lisa M. Wood, and Jacqueline Ulin Levey, and the firm of Armstrong Teasdale LLP, respectfully request that this Court permit them to withdraw as counsel for Plaintiff Carhill Enterprises, Inc., d/b/a Consumer Protection Services, and grant such other and further relief as this Court deems just and proper.

Dated: September 8, 2009

Respectfully submitted,

BY: /s/ Jay A. Summerville

Jay A. Summerville #4502

Lisa M. Wood #2707

Jacqueline Ulin Levey #110714

ARMSTRONG TEASDALE LLP

One Metropolitan Square, Suite 2600

St. Louis, Missouri 63102-2740

(314) 621-5070

(314) 621-5065 (facsimile)

jsummerville@armstrongteasdale.com

lwood@armstrongteasdale.com

jlevey@armstrongteasdale.com

ATTORNEYS FOR PLAINTIFF  
CARHILL ENTERPRISES, INC., D/B/A  
CONSUMER PROTECTION SERVICES

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 8<sup>th</sup> day of September, 2009, a true and correct copy of the foregoing document was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:

William R. Bay  
Pamela J. Meanes  
Thompson Coburn LLP  
One US Bank Plaza  
St. Louis, MO 63101

Attorneys for Defendant

The undersigned further certifies that a true and correct copy of the foregoing document was sent via first class mail, postage prepaid, on this 8<sup>th</sup> day of September, 2009, to:

Mark P. Cohen  
American Auto Guardian, Inc.  
1500 West Shure Drive, 7th Floor  
Arlington Heights, IL 60004

General Counsel, American Auto Guardian,  
Inc.

/s/ Jay A. Summerville